

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MERRICK J. MOORE,

Plaintiff, No. 2:04-cv-0763 GEB CKD P

vs.

S. SALENGER, et al.,

Defendants. ORDER

On April 15, 2013, plaintiff filed a motion asking that this court reconsider its March 26, 2013 order adopting the magistrate judge's February 1, 2013 findings and recommendations, thereby dismissing this action.

A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." Id. at 1263.

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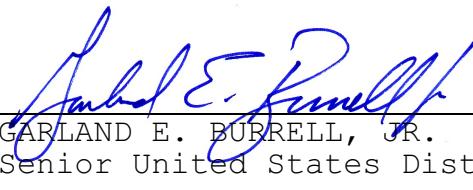
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1 Plaintiff does not present newly discovered evidence suggesting this matter should
2 not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the
3 March 26, 2013 order adopting the magistrate judge's February 1, 2013 findings and
4 recommendations is neither manifestly unjust nor clearly erroneous.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 15, 2013 motion
6 for reconsideration (Dkt. No. 84) is denied.

7 Dated: April 30, 2013

8 
9 GARLAND E. BURRELL, JR.
10 Senior United States District Judge